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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,107	03/22/2000	Shintaro Ichihara	Q58465	8572

7590

08/01/2003

Sughrue Mion Zinn Macpeak & Seas PLLC  
2100 Pennsylvania Avenue N W  
Washington, DC 20037-3202

EXAMINER
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LAMB, TWYLER MARIE

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 08/01/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/533,107

Applicant(s)

ICHIHARA, SHINTARO

Examiner

Twyler M. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final. -
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 8-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### **Notice to Applicant (s)**

1. This action is responsive to the following communications: amendment A filed on 2/20/03.
2. This application has been reconsidered. Claims 1-12 are pending.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Murakami (US 5,473,735).

With regard to claim 5, Murakami discloses a first memory section (first storage means) obtaining and storing the image data stored in said image data memory device therein (col 2, lines 51-59); print data making means (CPU 2) for converting the image data stored in said first memory section into print data every time execution of print is instructed (col 4, lines 43-45); a print section (printing unit 6) capable of printing an

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image according to said print data (col 4, lines 5-10); a second memory section (third memory section) storing the image data stored in said first memory section after the print section has completed printing (col 3, lines 4-9).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al. (Hull) (US 5,806,005) in view of Murakami (US 5,473,735).

With regard to claim 1, Hull discloses an image data printing system (Figure 1, image transfer system 10, coupled to remote station 12, coupled to server 14) comprising: an image data memory device (server 14) for storing image data therein (col 2, lines 31-36).

Hull discloses a print device (external printing device 70), but he does not clearly teach a print device including: a first memory section obtaining and storing the image data stored in said image data memory device therein; print data making means for converting the image data stored in said first memory section into print data every time execution of print is instructed; a print section capable of printing an image according to

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said print data; a second memory section storing the image data stored in said first memory section after the print section has completed printing; and communication device including communication sections for transmitting and receiving the image data which are provided respectively for said image data memory device and said image data memory device and said print device, and communication passage for connection said communication sections to each other; and communication device (cellular telephone network 16) including communication sections (modem 56) for transmitting and receiving the image data which are provided respectively for said image data memory device and said image data memory device and said print device, and communication passage (cellular telephone transmitter 28) for connection said communication sections to each other (col 2, lines 31-62).

Murakami discloses a page printer that includes a first memory section (first storage means) obtaining and storing the image data stored in said image data memory device therein (col 2, lines 51-59); print data making means (CPU 2) for converting the image data stored in said first memory section into print data every time execution of print is instructed (col 4, lines 43-45); a print section (printing unit 6) capable of printing an image according to said print data (col 4, lines 5-10); a second memory section (third memory section) storing the image data stored in said first memory section after the print section has completed printing (col 3, lines 4-9).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Hull to include a print device including: a first memory section obtaining and storing the image data stored in said image data memory device

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therein; print data making means for converting the image data stored in said first memory section into print data every time execution of print is instructed; a print section capable of printing an image according to said print data; a second memory section storing the image data stored in said first memory section after the print section has completed printing as taught by Murakami. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Hull by the teaching of Murakami to ensure the image is available for reprinting as taught by Murakami in col 3, lines 4-9.

With regard to claim 2, Hull also discloses wherein said image data memory device is provided distantly from said print device (Figure 1, col 4, lines 36-46).

With regard to claim 3, Hull discloses an image printing method for printing image data stored in an image data memory device by a print device (col 2, lines 31-36), comprising steps of: transmitting image data from said image data memory device through communication means to said print device (col 2, lines 31-62).

Hull does not clearly teach storing the image data received by said print device in a first memory section of said print device; converting the image data stored in said first memory section into print data that can be printed in a print section of said print device; performing a print operation by said print section in accordance with said print data; and storing the image data stored in said first memory section in a second memory section of said print device.

Murakami discloses a page printer that includes a first memory section (first storage means) obtaining and storing the image data stored in said image data memory

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device therein (col 2, lines 51-59); print data making means (CPU 2) for converting the image data stored in said first memory section into print data every time execution of print is instructed (col 4, lines 43-45); a print section (printing unit 6) capable of printing an image according to said print data (col 4, lines 5-10); a second memory section (third memory section) storing the image data stored in said first memory section after the print section has completed printing (col 3, lines 4-9).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Hull to include a print device including: a first memory section obtaining and storing the image data stored in said image data memory device therein; print data making means for converting the image data stored in said first memory section into print data every time execution of print is instructed; a print section capable of printing an image according to said print data; a second memory section storing the image data stored in said first memory section after the print section has completed printing; and communication device including communication sections for transmitting and receiving the image data which are provided respectively for said image data memory device and said image data memory device and said print device, as taught by Murakami. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Hull by the teaching of Murakami to ensure the image is available for reprinting as taught by Murakami in col 3, lines 4-9.

With regard to claim 4, Hull also discloses wherein said image data memory device is provided distantly from said print device (Figure 1, col 4, lines 36-46).

***Allowable Subject Matter***

8. Claims 6 and 7 are allowed.
9. Claims 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments filed 2/20/03 have been fully considered but they are not persuasive.
11. Applicant argues that Murakami fails to show the claimed second memory section to store unconverted image data. The claim merely states a second memory section storing the image data stored in said first memory section after the print section has completed printing. There is no mention of the image data being unconverted. The cited section clearly shows storing the image data after printing has been completed.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-305-4712. The fax phone numbers



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for the organization where this application or proceeding is assigned are 703-746-6036

for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314

(for informal or draft communications, such as proposed amendments to  
be

discussed at an interview; please label such communications  
"PROPOSED" or "DRAFT")

or hand-carried to:

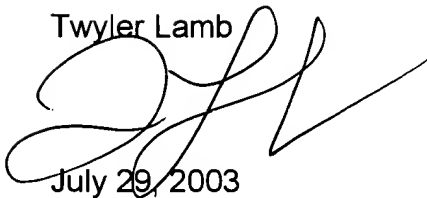
Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

Twyler Lamb

A handwritten signature in black ink, appearing to be 'Twyler Lamb', written over the printed name.

July 29, 2003

***RESTART OF RESPONSE TIME***

Due to the response section to the arguments being omitted in the previous action. The applicant is granted a restart of the response time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6036 for regular communications and 703-872-9314 for After Final communications.

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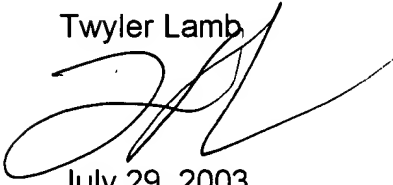
Crystal Park Two  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

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July 29, 2003